

## **PLACER COUNTY GRAND JURY**

# **New Tahoe Justice Center**

## **Options for Moving this Project Forward**

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#### **Summary**

For almost two decades the Placer County Grand Juries have recommended that the existing Placer County's Sheriff Department substation and court facility at Burton Creek be replaced due to a multitude of facility shortcomings documented over the years. For almost two decades those recommendations have not been implemented. The 2012-2013 Placer County Grand Jury decided to more thoroughly investigate the reasons for the lack of action and address that lack of action in a separate report.

After a considerable amount of fact finding and discussions with the responsible parties, the 2012-2013 Grand Jury has concluded that failure to replace this facility with a newer and more functional facility is not the result of a lack of will on either the County or the Administrative Office of the Courts (AOC). The lack of action is due to a multitude of significant factors including the administrative complexity of building a replacement facility in the Tahoe basin; legislative changes that have altered the administration of the Courts; a shortage of funds at both the state and county level to undertake this project; and failure to give this project adequate priority and funding to enable it to advance to planning, funding, and actual completion.

This Grand Jury feels the recommendation of prior grand juries is still valid. With adequate priority given to this project by the County; and their resolve to work with the Courts to overcome the administrative, fiscal, and environmental issues that have bogged down this project, the time is right to at least move this project on to the drawing board. The 2012-2013 Grand Jury hopes it will be the last grand jury to have to make this recommendation and that the County can finally move forward on a plan to replace this facility. There is sufficient funding to begin the planning phase of a multi-year, phased project. The recommendations this year are suggestions on how to proceed with the project.

#### **Investigation Methods**

The 2012-2013 Grand Jury reviewed seventeen years of previous grand jury reports with regard to their findings on Burton Creek to obtain an understanding of what was observed, the findings, recommendations, and responses to them.

We also reviewed legislative changes in the past ten years that impacted the administration of trial courts and trial court facilities.

We reviewed planning documents of the AOC, including a feasibility study report for a new court facility in the Tahoe basin, news releases about the project, and met with the Supervising Facilities Planner from the AOC.

We again inspected the Burton Creek facility and toured the Tahoe basin on investigative visits conducted on October 25, 2012 and January 17, 2013.

We spoke with personnel assigned to the Burton Creek facility, officials of the various agencies associated with the Burton Creek facility, the County Sheriff, and with the County Supervisor in whose jurisdiction the Burton Creek facility resides, and the County Treasurer to explore funding options for the project.

With the County Supervisor for the area, we toured the Tahoe basin looking at sites and reviewing options being explored for a replacement facility.

Finally, we reviewed options that might enable this replacement project to finally move forward in some form.

## Definitions

For the purpose of reference in this report:

**Courts** shall mean the California Judicial Council; their administrative arm, the AOC; and administration of the judicial system.

**County Services** shall mean services delivered by the county or their contractors, especially those services linked to the justice system such as Probation, District Attorney, and Public Defender.

**Sheriff Services** shall mean local law enforcement activities and service in support of the court such as holding and transporting of in-custody prisoners and maintaining courtroom security.

## Background

The grand jury's involvement in this facility arose out of the grand jury's charge under California Penal Code Section 919 (b) to inquire into the condition and management of the public prisons within the county. While the jail facility at Burton Creek is classified as Type 1 and is authorized to hold inmates up to 96 hours, for several years this facility has only been used as a temporary holding facility for inmates awaiting their court appearance.

Overnight detention of prisoners is handled in Truckee through contract with Nevada County or in the Placer County Main Jail in Auburn. Therefore, while the grand jury continues to feel the facility, as a whole, is deficient in many ways, the holding facility meets the needs for which it is currently being used.

Some of the past grand jury recommendations have focused on specific safety issues with the facility, overcrowding at the facility and the fact that the facility did not meet current seismic, American with Disabilities Act (ADA), or fire-safety standards. The County has attempted to address these issues by discontinuing the housing of prisoners overnight. They have also made modifications to the building where feasible and moved many County functions out of the building thus alleviating the overcrowding. Some of the functions moved out of the building include:

- The Sheriff's dispatch unit was moved out in May, 2010 and is now centralized in Auburn.
- Some Sheriff Patrol units have been moved to satellite stations in North Star and Squaw Valley.
- The Probation department has moved out and is now in Tahoe Vista.
- The Courts have leased facilities in Kings Beach for jury selection and jury deliberation.
- Court records and evidence have been moved to secured storage units in the facility parking lot.

In discussions with County staff associated with County risk management, while there is concern about the seismic and ADA issues, the age of the building in part "grandfathers" the building into compliance without the County having to do extensive mitigation. Also, most public access is limited to the first floor which has been made more accessible though improvements such as wheel chair ramps.

However, it was also noted in interviews with county code enforcement personnel that any significant modification to the building would trigger a requirement to upgrade the facility to current building code standards. None of the modifications made to the Burton Creek facility have triggered a move toward full compliance. The Grand Jury concurs with the County and the Court that any attempt to make major modifications to bring the facility up to current standards would not be a cost-effective solution to the inadequacies of the existing facility.

In reviewing past grand jury reports, it is evident that trying to replace this facility has been a desired County project for years but each plan to do so has been challenged by one group or other.

- In the early 1990's there was a plan to move the existing Department of Public Works (DPW) to a new facility further up the hill and build a new Court and County office facility on the old DPW site. That effort was halted when a lawsuit was filed

by the State Attorney General on behalf of citizens concerned about the DPW relocation and the noise that might result from DPW equipment going up and down the hill.

- Another plan to combine forces with Nevada County and build a joint facility in the Martis Valley was explored for a number of years, challenged, and then dropped.
- The Court's plan to build their own court facility (discussed in more detail later) also had the effect of delaying progress while the County put plans on hold waiting to see what the Court was doing.
- While the above aborted plans were intended to help solve the problem, they accounted for the many years of delay in the replacement of the facility

Additionally, in reviewing the background of this facility, we have found an evolving situation made more complex by changes in state and federal law. Among these changes are legislation that has effected the administration of the courts and court facilities. Also, zoning, environmental, and regional planning issues unique to building in the Tahoe basin have changed and made the building of a replacement facility much more complex.

When past Placer County Grand Juries began their review of the Burton Creek facility, the whole facility was owned and managed by Placer County. However, as a result of the Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002, ownership of the court portion of the facility was transferred to the State (California Judicial Council and administered by the AOC) in June of 2007.

While the AOC delegated back to the County the day-to-day maintenance of the facility, they now have equity in the facility. In accordance with a "Transfer Agreement" negotiated between the County and the State:

- If the Court initiates a move from the building the County is required to pay the State for their equity in the facility;
- If the County initiates a move requiring the Court to move from the building, the County is required to pay for the Court's moving expenses.

The State Judicial Council, in their statewide review of court facilities, identified the Placer County Tahoe Area Court as one of their highest priorities for replacement. In October 2008, the Judicial Council approved the Placer County Tahoe Area Courthouse Replacement Project and designated funding for the project under SB 1407 revenues (court user fees designated for new court construction and capital improvements). In 2010 a feasibility study was completed which resulted in a recommendation for new construction in the Tahoe basin with the proposed structure to be a single courtroom facility not co-located with the Sheriff or other County services. Statewide, AOC plans for new court facilities have resulted in separation of Court facilities from County facilities

The Judicial Council's approval of a separate courtroom project in the Tahoe basin had the following effects:

- The Court's plans for the Placer County Tahoe Area Court facility did not include collocation with the Sheriff Substation or other County Services.
- AOC's multi-year Tahoe Courthouse Project proceeded through the establishment of a citizens' project advisory committee, determination of preliminary facility design, footprint and site requirements. A suitable site near Burton Creek was identified but the project was halted before the purchase was completed.

In October of 2012, the Judicial Council put their Tahoe Area Courthouse Project on indefinite hold due to the Legislature's redirecting nearly \$1.5 billion in court users fees, including the funds allocated for the Tahoe Project, to other uses. In discussions with a representative of the AOC, the proposal for a new Court facility for the Tahoe basin is still a priority but is still on indefinite hold due to lack of court construction funds. (See addendum-Letter of Support from Presiding Placer County Judge, Alan V. Pineschi, dated August 22, 2012.)

## Facts

The Burton Creek facility is a two-story, wood framed building built on a ten acre parcel on the North Shore of Lake Tahoe near Tahoe City. The facility was built to serve as a jail and to support security needs for the 1960 Winter Olympics held at Squaw Valley. The facility currently houses a single courtroom, a jail/holding facility and District Attorney Staff downstairs, and a Sheriff's substation upstairs.

- There are fire suppression sprinklers only in areas identified as critical risk in this facility, there is a narrow interior stair way from the lower floor to the upper floor, limited escape routes from the upper floor in the event of fire and no elevator access to the upper floor for individuals with disabilities.
- Rest rooms in the facility are not ADA compliant.
- The Courts occupy approximately 2,100 square feet of the building of which the courtroom is 525 square feet.
- There is inadequate space to enable efficient security screening of the public entering the building.
- There is inadequate space to provide isolation of in-custody prisoners from the public or court staff, especially as they are escorted into the courtroom.
- There is no jury box to provide separation between jurors and the public or legal staff.
- There is no waiting area for the public, no space for attorneys to meet with clients, no space for legal "self-help" services or child custody counseling.
- There is no space for jury selection or jury deliberation.

- There is inadequate space for court record and sheriff evidence storage so overflow is placed in secured storage containers in the parking lot. Winter snowfall can make retrieval difficult.

The Courts, in their feasibility study to explore options for replacement of the Court facility, considered the option of re-building or major modifications to the current facility. They found that land use and zoning in the Tahoe basin is controlled by the Tahoe Regional Planning Agency (TRPA). A primary TRPA regulation deals with allowable site coverage to minimize the pollution of Lake Tahoe. Site coverage values range from 1% to 30%, i.e. the percent of the parcel that can be covered by buildings or parking structures. Because Burton Creek sits adjacent to a creek it is also in a "stream environmental zone". The Burton Creek parcel is considered Class 1 meaning that no more than 1% of the parcel can be covered by buildings or parking structures. Given the 10 acre parcel on which Burton Creek was constructed, being able to only develop 1% of 10 acres would enable development of .1 acres or 4,356 square feet including parking. Total coverage of the current site is already exceeded with the existing development. It appears that any facility built on the Burton Creek site exceeding 4,356 square feet would require a TRPA waiver to be sought.

- The Burton Creek site is not suitable for a replacement facility for either a single site court room or a co-located justice center unless the TRPA is agreeable to waving restrictions.
- If the AOC purchases a site, they are prevented by state law from purchasing more land than is required for their own needs. This precludes collocation of Court and County facilities if the State buys the land and initiates the new construction project.
- If the County purchases land, there is no such restriction and the size of property purchased can accommodate a co-located facility.
- Property values in the Tahoe region are most likely at a low point and currently favorable for purchase of a site for a replacement facility.

In discussion with County officials, it is obvious that they are still looking for options to replace the Burton Creek facility. Most of the officials we have spoken with feel the ideal plan would be for the Sheriff's Department to move with the Courts to a new, multi-use Government Center in the Tahoe basin. In discussing this option with the Supervising Facilities Planner for the AOC, they indicated that the AOC would welcome the opportunity to move with the County to a co-located site. This option, while not an easy solution, seems to be the favored option to pursue.

To be objective the Grand Jury attempted to weigh the various options available.

### County/Court Options

1. The first option would be for the Courts to move forward with their own separate replacement facility leaving the current County services in the Burton Creek facility.
  - a. This option represents the scenario that existed prior to the AOC Tahoe Area Courthouse Project being put on hold.
  - b. If the Judicial Council were to lift their indefinite hold on the Tahoe Courthouse Project and the AOC completed the construction of a replacement courthouse in the Tahoe basin, then the Court's facility issues would be solved.
  - c. The proposed courthouse was designed to meet the Court's space and security needs.
  - d. The proposed courthouse was not designed to promote collocation or coordination with County Services such as Probation, District Attorney, or a link with law enforcement.
  - e. The Court's moving from the Burton Creek facility would free up some space. However, it is doubtful whether the space freed up by the Court's moving would significantly mitigate the problems with the facility.
  - f. The County would still need a more appropriate facility that is ADA, seismic, and fire-safety compliant with adequate space and parking to provide services in a safe and secure environment.
  - g. In order to provide a more appropriate facility, we looked at rebuilding on the current site or making improvements at the current site. However, the same environmental issues that prevented the Courts from building on the Burton Creek site would also prevent the County from using this site for a replacement facility.
2. A second option would be to acquire a replacement facility only for the Sheriff's substation and associated County Services leaving the Court in the existing Burton Creek facility.
  - a. For the Courts, this would free up space that might enable them to make some improvements to the facility to better meet their needs.
  - b. Without the Sheriff's sub-station, they could possibly install security measures, re-route in-custody prisoner transit around the courtroom, provide space for jury deliberation and jury selection, and have space for record storage.
  - c. It is not likely that this option would meet many of the Court's needs since the space freed up is mostly on the second floor of the building which is poorly accessible and still contains the fire and seismic threats that are difficult if not impossible to mitigate.
  - d. If the County selected a replacement facility well, it would be possible to provide a broader range of County Service in a safer and more secure environment.
  - e. The physical separation of County and Court Services fails to promote the coordination of services.



- f. The physical separation of County and Court services makes service to the public less convenient since they have to go to multiple locations to obtain the service needed.
3. The third option is to move the Sheriff's substation, associated County Services, and the Court into a new multi-use Government or Justice Center.
    - a. In discussions with the stakeholders, i.e. the Sheriff, the AOC, the affected County Supervisor and other County officials; this option appears to hold the best prospects for resolving the facility issues for both the Courts and the County.
    - b. The Sheriff feels that a collocation with the Court enhances law enforcement/judicial relationships, facilitates the holding and transporting of in-custody prisoners for court appearances, and assists in maintaining court security.
    - c. The County Supervisor for the area feels a co-located Justice Center, where residents and visitors to the area could access Court and County services in a secure and accessible facility, would best meet the needs of her district.
    - d. The facilities supervisor for the AOC also would support a co-located option. A co-located option may be the Court's best option for resolving their facility issues if new court construction funds remain severely limited.
    - e. If the Courts are unable to identify funds to either lease or partner with the County at this time, space can be set aside in a new County Facility to accommodate the collocation with the Courts at a later date,
    - f. Establishing, or at least moving toward a co-located Justice or Government Center, provides the best opportunity to solve the facility issues of both the Courts and the County.
    - g. A co-located solution offers the best opportunity for the coordination of services between the Courts and the County.
    - h. A co-located solution provides a facility with the best ease of access to the public.
    - i. A co-located solution is not one that the State or County can pursue independently. Rather this approach requires joint planning and possible phasing depending on the availability of funds.
  4. The final option is to do nothing leaving the Sheriff and the Courts in an obsolete, non-compliant facility that lacks adequate space, security, and functionality to provide adequate services.
    - a. Maintaining the "status quo" of doing nothing and of leaving the Courts and the current County services in a building acknowledged to be inadequate for over 17 years is unacceptable.
    - b. The condition of this facility does not reflect well on this valuable, scenic, county area and international tourist destination.

- c. Providing services in a facility acknowledged to be a fire risk, seismically unsafe, not fully ADA compliant, and lacking adequate security, puts the County, the State, and the public at risk.
- d. The Grand Jury has found this alternative unacceptable now and for the last 17 years.
- e. The staff that work in this facility and the public that access services here deserve better.

### Moving Forward

There remains a multitude of issues to making a co-located solution happen.

1. First, and probably most important to the success of this project, is obtaining sufficient priority for this project to elevate it on the County's Facilities Financing Master Plan.
  - a. The 2012-2013 Grand Jury strongly recommends that this project be given high priority.
  - b. The Grand Jury is releasing this report early, ahead of our annual report, in the hopes that we can influence budget discussions for the upcoming year. We are encouraged that Burton Creek was mentioned as a priority by the Director of Facility Services in the Board's budget priorities workshop held on February 26, 2013.
  - c. In the Responses to last year's Grand Jury recommendation about replacing the Burton Creek Facility, the responders professed a continuing commitment to replacing the facility.
  - d. Facility Services, in the discussion of the 2012-2013 Capital Projects budget, mentions the Tahoe Justice Center "in an array of on-going projects". Yet when the Grand Jury interviewed the Capital Improvement Manager of Facility Services, it was determined that no-one had been, nor was to be, assigned to work on the project because they were awaiting action by the Courts and further direction (from senior management). Based on statements made at the current Board's budget priorities workshop by the Director of Facilities Services, this may have changed.
2. Second, funds, or financing opportunities, will have to be identified.
  - a. For the fiscal year 2012-2013 budget the County, in its Capital Improvement Projects List, includes project 704769, Burton Creek Justice Center, showing about \$2.7 million recommended expenditure.
  - b. Any funds previously diverted from this project will need to be restored to the project fund.
  - c. Additional funding or financing opportunities will need to be explored. The County Treasurer should be consulted in the exploration of these options.

3. Tahoe Area Regional Planning Agency's limitation on development, environmental and zoning issues, and numerous other issues will have to be addressed.
  - a. We feel these obstacles can be overcome to make this longstanding recommendation a reality so that future grand juries will not have to keep making the same recommendation.
  - b. Nothing will happen until a Project Manager in the Capital Improvement Projects department is assigned with direction to begin planning. If this has not already happened, we encourage Facility Services to make this designation.

## Findings

- F1. The Jail facility at Burton Creek is only being used as a temporary holding facility for inmates while awaiting their day in court and is adequate for the purpose it is being used.
- F2. While the County has not been able to replace the facility, it has taken steps to reduce the overcrowding and has attempted to address the ADA, seismic, and fire-safety issues associated with the facility.
- F3. The failure of the County and the Courts to replace the facility is not the result of lack of desire or good faith efforts to do so. The planning of either a co-located facility or separate replacement facilities in the Tahoe basin is complicated by many factors. Yet there still remains a need for a replacement Sheriff Substation and Court facilities in the Tahoe basin.
- F4. Placer County has budgeted \$2.7 million in the current fiscal year for a New Tahoe Justice Center capital project. That means there should be sufficient funds to begin planning and determine the facility needs and requirements of all affected agencies. Additional funds will need to be identified to make this project happen. Also, any funds previously diverted from this project will need to be restored to the project fund.
- F5. If a replacement facility is to include co-located Court, Sheriff Substation, and County offices, the County will have to take the lead and purchase a suitable site.

## Conclusions

A replacement facility is needed and a co-located facility appears to be the best option. However, that does not mean everything needs to be built at the same time or located in one building. A multi-building campus type arrangement built in phases is also an option. Replacement will involve a multi-year process to get through the planning, design and construction phases. There are sufficient funds currently available to begin the planning phase. The timing is right to prepare a plan and determine a suitable site so that, if need be, a site can be purchased while property values remain relatively low.

The Tahoe Sheriff Substation can be designed and built separately from the AOC facility. The Sheriff Patrol units are not required to be housed in a Court facility. The Sheriff does provide court security. One or more bailiffs can provide court security. The Court can remain in occupancy at the existing Burton Creek building until funding is released by the state for a new Court facility or moved to a new co-located facility under a lease agreement.

## **Recommendations**

The Grand Jury recommends:

- R1. Because it will be a multi-year process to construct a replacement for the current facility, the Sheriff should continue the current practice of utilizing the existing Burton Creek facility only as a court holding facility. Continue the practice of transporting arrestees to either the Nevada or Placer County jails for booking and detention.
- R2. The County commit to the construction of a replacement Sheriff Substation facility by giving this project sufficient priority on the Facilities Financing Master Plan. Facility Services take the lead and begin immediate planning for a replacement facility. Planning is contingent on whether or not the AOC can commit to a co-located facility and on what basis—as a partner or a tenant.
- R3. If the AOC is able to partner in a co-located site, then it must be determined if that can be accomplished at the Burton Creek site. If not, then the County must purchase a suitable site while the property costs are relatively low.
- R4. If the AOC is unable to commit at this time, the County should proceed with the design and construction of a replacement Sheriff's Substation in a building separate from the Court facility.
- R5. The County should pre-plan for co-located buildings adjacent to the Sheriff's Substation and Court buildings for County Administration Offices and a Tahoe Jail facility which can be justified and constructed at a future date.

## **Request for Responses:**

Board of Supervisors  
Placer County  
175 Fulweiler Avenue  
Auburn, CA 95603

**R1 – R5**

**Due by July 8, 2013**

Edward Bonner, Sheriff-Coroner-Marshal  
Placer County  
29129 Richardson Drive  
Auburn, CA 95603

**R1 – R5**

**Due by June 10, 2013**

David Boesch, CEO  
Placer County  
175 Fulweiler Avenue  
Auburn, CA 95603

**R1 – R5**

**Due by July 8, 2013**

Jim Durfee  
Director, Facility Services  
11476 C Avenue  
Auburn, CA 95603

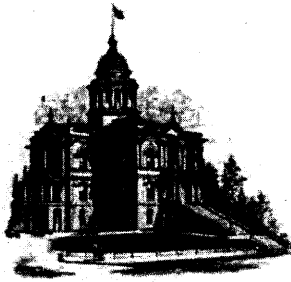
**R1—R5**

**Due by July 8, 2013**

Copy to  
Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833-3509

Addendum: Letter of Support from Presiding Placer County Judge, Alan V. Pineschi , dated August 22, 2012

<http://www.courts.ca.gov/documents/CFWG-09-05-12-Placer.pdf>



Superior Court  
of the State of California  
In and For  
The County of Placer  
Roseville, California

In Chambers of  
**HON. ALAN V. PINESCHI**  
PRESIDING JUDGE  
OF THE SUPERIOR COURT  
DEPARTMENT 33  
10820 JUSTICE CENTER DRIVE  
ROSEVILLE, CALIFORNIA 95678  
P. O. BOX 619072  
ROSEVILLE, CALIFORNIA 95661  
(916) 408-6230 Fax (916) 408-6236

August 22, 2012

To: Hon. Brad Hill, Chair, Court Facilities Working Group

Cc: Court Facilities Working Group

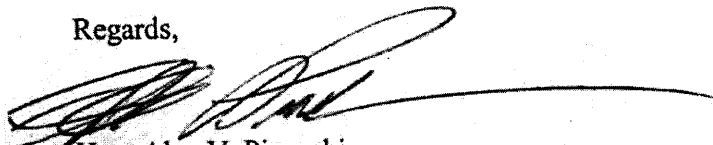
Re: Invitation to Comment on New (North) Tahoe Area Courthouse Project

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Attached please find the Superior Court of Placer County's response to the Court Facilities Working Group (CFWG) request for comment/information on the pending SB 1407 projects. The attached response provides information on each of the sixteen items requested by the CFWG. Many of these items are duplicative of information provided to the CFWG in the past and also, in great degree, replicate evaluation items used by the Judicial Council in the original determination of courthouse needs.

We would be remiss not to point out that replacement of the Tahoe City Courthouse has been consistently ranked in the "Immediate Need" category – ranking 15<sup>th</sup> in the original capital outlay assessment in 2004 and, most recently, 5<sup>th</sup> most needed Statewide in the FY 10/11 report (the last available before the SB 1407 projects were removed from the rankings). The immediate need for this facility remains unchanged. While we appreciate the opportunity to reiterate the needs for an accessible, adequate, and secure facility in the North Tahoe area, the scoring methods used from 2004 to today remain valid and we strongly believe that methodology should be given significant weight in your decision-making process.

Regards,



Hon. Alan V. Pineschi  
Presiding Judge

**Response to the Court Facilities Working Group's  
Invitation to Comment on Courthouse Projects  
August 2012**

**Facility/Project: New (North) Tahoe Area Courthouse Project (Placer County)**

**Comment Submitted by: Superior Court of Placer County**

**Executive Summary**

The Court Facility Working Group (Working Group) is faced, yet again, with the difficult task of weighing the diverse needs of the courts slated for courthouses via SB 1407. We at the Placer Superior Court understand the necessity of this task and that due to the shifting of funds to support court operations there is no alternative but to decide that some projects can no longer move forward.

Per your request, we have compiled and submit to you a great deal of information on the necessity for the Tahoe Courthouse. On the pages that follow, we address each of the 16 items you requested – or make note of where the Administrative Office of the Courts is a better source of the information. But first let us summarize the key reasons why this one-courtroom facility is so necessary in the North Tahoe Basin.

The current Tahoe City Courthouse, located on the North Shore of Lake Tahoe, was constructed in 1959/1960 and was initially designed to support security needs related to the Winter Olympics at Squaw Valley. The building, which is owned by the County, includes the court, a Sheriff substation, and District Attorney Offices. To summarize the deficiencies:

- The court occupies only 2,100 total square feet. This includes the courtroom, clerk's office, and public hallway. The courtroom occupies only 525 square feet.
- The courtroom has no jury box and jury selection is handled at an off-site facility due to lack of seating and parking.
- In-custody defendants are walked from the back of the courtroom to the counsel table. During their short walk, they pass through the public seating area and immediately past the open hallway to the exit of the courthouse.
- There is no room for a security screening station. While signs advise the public that weapons are not allowed, there is no mechanism to prevent them.
- The courthouse inadequately accommodates persons with disabilities.
- Court files are stored in a storage shed outside. In winter, these files are inaccessible by court staff and the public due to snow (which this past winter was measured in 10s of feet).

The Placer County Grand Jury has cited the Tahoe City Courthouse as inadequate and in need for replacement nearly every year for at least 17 years (see summary on page 43 of

[http://www.placer.courts.ca.gov/grandjury/2011-2012/Final\\_Report\\_2011-2012.pdf](http://www.placer.courts.ca.gov/grandjury/2011-2012/Final_Report_2011-2012.pdf)) In so finding, the Grand Jury, has also cited in past years the California Corrections Standards Authority's statements that the facility is "physically deteriorating and in need of replacement."

Some may argue that this one courtroom facility is more expensive to construct than larger court facilities. And that is true. The loss of economies of scale presented by a one courtroom facility and the real estate prices and short annual building cycle in the Tahoe Basin make it more expensive. According to one construction management company, construction costs in the Tahoe Basin tend to be 20-25% higher than those in the Central Valley due to 1) need for deeper foundations and utilities due to the cold weather; 2) stronger foundations, roofs, and other structures to handle snow loads; and 3) the need to complete construction in a shortened building season.

However, even before being designated as a "Cost Reduction Demonstration Project," our project team met and reduced the expected project square footage by more than 16% - and, combined with substantially lower than budgeted land costs, recognized cost savings of more than 18%. We will continue to work collaboratively with the AOC Office of Court Construction Management staff assigned to this project to design a cost effective court facility.

Others may argue that we have a modern facility in Roseville that eliminates the need for the Tahoe City courthouse project. Unfortunately it does not. The North Tahoe Basin is at the eastern end of Placer County approximately 100 miles from the main courthouse in Roseville. This distance is exacerbated during the winter months where conditions make the travel over Donner Summit from an elevation of 6,397 feet down to 241 feet difficult, dangerous, and at times impossible due to road conditions.

Finally, the North Shore of Lake Tahoe and the surrounding ski resorts are a major tourist location in our State. Visitors spend more than \$350 million annually in the North Tahoe region<sup>1</sup>, creating jobs and generating revenue for business and government alike. Although we hope those visiting our State do not have a need to visit the court, our location in Tahoe City gives them access when and if it becomes necessary for them to interact with the justice system.

The New (North) Tahoe Area Courthouse Project (North Tahoe Courthouse Project) is vital to citizens and visitors in the Tahoe Basin. This not about a bigger, better, fancier building, it is a true access to justice issue. You can see this by the support letters we have included in Appendix A. We do not envy the task you have ahead and appreciate your time and consideration.

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<sup>1</sup> Dean Runyan Associates (2009). *The Economic Significance of Travel to the North Lake Tahoe Area*. Tahoe City, CA: North Lake Tahoe Resort Association. Retrieved August 20, 2012 from <http://www.nltra.org/documents/pdfs/FinalReport.pdf>.



## **1.0 Security**

The Tahoe City Courthouse, slated for replacement by the North Tahoe Courthouse Project, has serious and substantial security deficiencies. These include:

- There is not space for a full screening station. An old magnetometer has been placed in the hallway as a deterrent, but there is not space to truly monitor the magnetometer, address any alarms, or search bags in any way. There is no more screening at this facility than at your local retailer. This increases the risk of incident at this facility in a clear way.
- In-custody defendants must walk through the small public seating area to reach the counsel table. These defendants also pass directly in front of the exit hallway with a direct path to the public exit. This presents a potential risk to the public viewing the proceedings and a potential flight opportunity for those in custody.
- There is no bar or other barrier between the well and the public seating area and the bailiff's station is at the back of the courtroom. This presents a potential risk for altercations or an effort to reach the defendant, attorneys, court staff, or the judicial officers with a hindered ability for the bailiff to respond effectively.
- There is no secured parking area for the judicial officers.
- The courtroom and judges' chambers have exterior windows that face/open to a non-secure area. Any member of the public can walk directly up to those windows, presenting a potential risk to the judicial officer, staff, defendants, and the public.

Please see Appendix 2 photograph 1 and 2 for examples of these deficiencies. The overall lack of security in the courthouse and in the adjacent holding cells has been noted by the Administrative Office of the Courts, in the feasibility study for this project, for at least 17 consecutive years by Placer County Grand Juries, and by the California Corrections Standards Authority in their 2006-2008 Biennial Inspection Report.

The impacts of these deficiencies are clear. The lack of space to actively screen individuals entering the courthouse or the courtroom and the physical security constraints in the courtroom combine to increase the potential for a major event to occur.

## **2.0 Overcrowding**

The court occupies a total of 2,100 square feet and the courtroom is a tiny 525 square feet. Overcrowding issues include:

- Public Windows and Lobby – The window to the clerk's office shares the same hallway as the access to the courtroom. When even a small number of individuals are seeking to speak to the clerk, this can result in congestion and make access to

and from the courtroom problematic. The tight hallway places litigants in close proximity in a confining space, resulting in both overcrowding and a security risk.

- Courtroom – Public seating is limited to 16 people and there is no space for jury selection. Public seating is almost completely eliminated when there is a jury trial as there is no separate jury seating. Jury selection is held two towns over along the North Shore of Lake Tahoe in a small convention facility due to the lack of space in the courthouse.
- Parking – There are a total of 24 parking spaces for the public and the District Attorney, Sheriff, and court staff that share the building. On a normal day, there are seven (7) spots for the public. This number is further restricted in the winter months due to snow accumulation.

### **3.0 Physical Conditions**

The physical deficiencies of the current facility include:

- Numerous security deficiencies as noted in section 1.0.
  - No space for entrance screening.
  - In custody defendants are brought through the audience area of the courtroom.
  - The bailiff's station is toward the rear of the audience area.
  - No secured parking lot.
- Limited access for persons with disabilities.
- Insufficient space to store case files (files are stored in a storage container in the parking lot).
- Egress from Judges' bench travels through the managing clerk's office.
- There is no room for self help services or child custody recommending counseling.
- There is no area for attorneys to meet with their clients or parties to hold settlement conversations.
- There is little to no covered external waiting area, forcing the public to wait in cars or in inclement weather prior to court.
- Internal waiting area/lobby is insufficient, resulting in significant congestion when court starts and ends.

#### **4.0 Access to Court Services**

The current facility has no space to provide Family Law Facilitator or Self Help functions. As noted, there is no space for jury assembly. There is no seating area outside the courtroom for the jurors or an area apart from the public to wait until session begins. There is no space to hold on-site child custody recommending counseling sessions. There are no interview rooms for attorneys to speak to their clients or for parties to negotiate settlement. There is no space to hold community outreach meetings with the populations served in the Tahoe Basin – groups very different from those in the more suburban Roseville-Auburn areas. And there is no space for court files – only the most active are stored inside with the balance stored in a shipping container located in the parking lot. During the winter season the container either requires staff to bring their own shovel to clear snow to open the container doors or – at times the “file room” can become inaccessible, resulting in the inability to allow access to the court records.

Each of these issues is addressed by the proposed facility. The preliminary design concept is to create a multi-purpose room in the new facility that can act as a space to hold self-help workshops, serve as a jury waiting and deliberation room, hold community meetings, and would allow for on-site child custody recommending counseling. Initially contemplated as many rooms, the project team has devised ways to make a single room – through the use of vestibules for sound proofing and security – to serve these many purposes. Further, attorney rooms are included in the design as is a more open lobby to allow for physical separation of parties from one another, allowing for a calmer environment. And, finally, the building will have sufficient space for file storage and viewing by the public.

#### **5.0 Economic Opportunity**

Land prices are severely depressed in the Tahoe Basin, creating a unique opportunity to secure property at prices far lower than originally anticipated. The budget for land has been reduced by more than \$2 million from the original estimate.

The proposed location is less than ¼ of a mile from the existing Sheriff Substation and is located adjacent to land that could be purchased by the County should they choose to relocate that station. The bailiff serving the court also serves as the transportation officer for the Sheriff, resulting in substantial economies for both Sheriff's Transportation and Court Security. The currently proposed location would allow these economies to continue to the greatest degree possible.

#### **6.0 Project Status**

The project is currently in site selection. If not for the current hold on projects, the court believes the project would have been submitted to SPWB in early-August 2012 for purchase approval.

## **7.0 Court Usage**

### **7.1 Courtroom Locations and Judicial Officer Calendar Assignments**

The Placer Superior Court has five facilities – including the current Tahoe City Courthouse. One nine-courtroom facility in Roseville, a six-courtroom facility in Auburn, two one courtroom locations in Auburn (courtrooms connected to the Main Jail and Juvenile Hall), and the one-courtroom Tahoe City Courthouse.

Two of the courtrooms at the Historic Courthouse in Auburn are held dark – barring special circumstances – a result of too few judicial officers (as documented by the Judicial Needs Study) and insufficient staff to provide support to those courtrooms.

Note that we do not use a traditional judge to courtroom assignment in all instances. Many of our judges change courtrooms during the week or the month. For this reason, you will see more than one judicial officer listed in some of our courtrooms.

#### **Courtroom Assignments**

<b>Department</b>	<b>Location</b>	<b>Judicial Officer(s)</b>	<b>Notes</b>
1	Historic-Auburn	Hon. C. Nichols	
2	Historic-Auburn	Comm. J. Ross & Comm. D. Amara	
3	Historic-Auburn	Hon. M. Curry	
4	Historic-Auburn	Assigned Judges	
5	Historic-Auburn	DARK	
6	Historic-Auburn	DARK	
12	Juvenile – Auburn	Hon. F. Kearney	
13	Main Jail – Auburn	Hon. J. Cosgrove (Ret.) & Hon. A. Saint Evans (Ret.)	Assigned Judges currently assigned due to two judge vacancies.
14	Tahoe City	Comm. T. Bahrke	
30	SJC - Roseville	Hon. J. O'Flaherty & Ref. D. Bills	
31	SJC – Roseville	Hon. E. Gini & Hon. J. O'Flaherty & Hon. J. Penney	
32	SJC – Roseville	Hon. J. Cosgrove (Ret.) & Assigned Judge	Assigned Judges currently assigned due to two judge vacancies.
33	SJC – Roseville	Hon. C. Nichols & Hon. A. Pineschi	
40	SJC – Roseville	Comm. M. Jacques	
41	SJC – Roseville	Comm. J. Ross &	

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		Comm. D. Amara	
42	SJC - Roseville	Hon. C. Wachob	
43	SJC – Roseville	Hon. J. O’Flaherty & Assigned Judge	Assigned Judges currently assigned due to two judge vacancies.
44	SJC – Roseville	Hon. J. Penney	

**7.2 Estimated Population Served**

The North Tahoe population is subject to extreme variability. According to the Placer County Planning Department and County Executive’s Office, more than 60% of all housing units in the area are second homes. This leads to a relatively small permanent population of around 8,500 residents. However, the peak population – during the winter ski months and summer tourist months for Lake Tahoe – is routinely to between 30,000 and 40,000 people. This peak population includes both second home owners who are not counted in the permanent population but spend substantial time in the region and tourists.

**7.3 Number of Filings**

In FY 2010/2011, the Placer Superior Court had a total of 62,496 new case filings. Of those, 3,824 were filed at the Tahoe City Courthouse. Courtwide this equates to roughly 4,300 filings per judicial position (14.5 courtwide) and 3,800 filings per judicial position for Tahoe City only.

**7.4 Number of Dispositions**

The court’s case management system does not currently track dispositions across all case types.

**7.5 Number of Jury Trials**

In FY 2011/2012, the Placer Superior Court had a total of 114 jury trials. Two jury trials were held at the Tahoe City courthouse. Only misdemeanor and limited civil jury trials are held at the Tahoe City courthouse. Jury trials are uncommon at the Tahoe City Courthouse due, in part, to the severe limitations of the facility. The need to hold jury selection at a separate facility places a substantial burden on the judicial and staff resources of our court. A second judicial officer must be assigned to the Tahoe location to hear other scheduled matters and the four staff at the facility has to support both the assembly location, the normal clerks’ office duties, and staff the courtroom.

## **7.6 Weighted Filings Data**

Data to be provided by the AOC. However, the latest Judicial Needs Study found the Placer Superior Court to be in need of an additional 8.4 judicial officers (two have already been approved but remain unfunded). This is a relative need for 58% MORE judicial resources, making the Placer Court the 5<sup>th</sup> most in need of judicial resources in the State (based on percentage).

## **8.0 Type of Courthouse**

The Tahoe City Courthouse – or new North Tahoe Courthouse – is a branch facility. This location hears traffic, misdemeanor, family law, probate, limited civil, and juvenile delinquency matters filed in or, at the request of the parties, involving residents of the Tahoe area.

The North Tahoe Basin is at the eastern end of Placer County approximately 100 miles from the main courthouse in Roseville. This distance is exacerbated during the winter months where conditions make the travel over Donner Summit from an elevation of 6,397 feet down to 241 feet difficult, dangerous, and at times impossible due to road conditions.

To clarify this point, on average, Interstate 80 – which connects Tahoe to southern Placer County – is closed or has road delays due to inclement weather an average of 20 times per winter (according to Caltrans and where a closure/delay is defined as a delay of two hours or more). Without the a courthouse in North Tahoe, those needing to avail themselves of the court would be forced to endure dangerous road conditions and risk potential delays and road closures on their way to or from the facilities in the southern end of the County.

Further, the North Shore of Lake Tahoe and the surrounding ski resorts are a major tourist location in our State, bringing over \$350 million to the California economy.<sup>2</sup> Our State holds Lake Tahoe up as a gem and one of its major treasures. Although we hope those visiting our State do not have a need to visit the court, our location in Tahoe City gives them access when and if it becomes necessary for them to interact with the justice system.

## **9.0 Disposition of Existing Court Space or Facility**

The facility is County-owned. Once the new facility is constructed, the County will be released of any duty to provide the court space in the Tahoe area and will be able to use the existing 2,100 square feet for other purposes if they so choose.

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<sup>2</sup> Dean Runyan Associates (2009). *The Economic Significance of Travel to the North Lake Tahoe Area*. Tahoe City, CA: North Lake Tahoe Resort Association. Retrieved August 20, 2012 from <http://www.nltra.org/documents/pdfs/FinalReport.pdf>.

The current location is not adequate for the County and Court needs. The current location is in a Stream Environment Zone, a designation that significantly restricts building on the site. The current facility was constructed prior to these designations and limitations. A renovated/replacement facility would face substantial difficulties working within the current restrictions and limitations. Due to these and other limitations, the existing site was eliminated from consideration by the Project Advisory Group and the AOC.

#### **10.0 Consolidation of Facilities**

The New North Tahoe Courthouse would replace the existing facility and allow the court to discontinue the lease of a storage container used to house court files.

#### **11.0 Extent to Which Project Solves a Court's Facilities Problems**

The court has few facility problems. The Santucci Justice Center in Roseville opened in 2008 and consolidated courthouses previously open in Auburn, Roseville, and Colfax. There are only two significant facility related issues for the court.

The first is the Tahoe City/North Tahoe Courthouse. A problem fully solved by this project.

The second relates to the need for an arraignment/high volume in-custody courtroom at the new South Placer Adult Correctional Facility. The County has constructed a connected courtroom shell but funding to complete the interior is not currently identified.

#### **12.0 Expected Operational Impact**

The new facility will be roughly 10,000 square feet larger than the current facility. This will result in additional local court costs for janitorial services. As with all facilities, there will be the need to purchase furniture and equipment, but there is no indication those costs will be any more or less than for any other contemplated facility.

The court would be able to discontinue the lease of a shipping container, a nominal savings.

AOC staff may be able to provide estimates, if any, of costs related to maintenance and snow removal and whether those costs will be lower or higher than that currently paid to the County for the current facility.

The court does not anticipate the need to add additional staff for the facility.

There may be an increased need for court security. The current facility has no room for an entry screening station and is co-located with the Sheriff substation. This allows

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Court Security to allocate only 0.5 FTE to this facility. With the added need of perimeter security, there will be some increase in Court Security related costs.

### **13.0 Qualitative Statement of Need**

This project is supported by the local community. See Appendix 1 for letters of support from County elected officials and private citizens.

In general, a new Tahoe Courthouse is needed because the:

- Current facility has serious security deficiencies.
- Current facility is overcrowded.
- Location in Tahoe is an access to justice issue.

### **14.0 Courtroom and Courthouse Closures**

The Placer Superior Court discontinued the routine use of Departments 5 and 6 at the Historic Courthouse in Auburn in 2009. This was necessitated by the layoff of 36 staff and the resulting difficulty of staffing all courtrooms on a daily basis. These courtrooms were previously presided over by Assigned Judges and Temporary Judges. They do continue to be used periodically.

In FY 2011/2012 the court provided only limited services on twelve days due to fiscal constraints. For FY 2012/2013, the court has announced eight limited service days and a reduction in clerks' office hours on Fridays.

These limited service days and reduced hours do not change the need for a new courthouse in the North Tahoe area. The new courthouse resolves long standing deficiencies at the current facilities – deficiencies noted for more than a decade and a half by the local Grand Jury. Reductions in hours are a necessary reaction to the fiscal climate and, while unfortunately, are better options than full scale closures of additional courtrooms or court facilities. Eight fewer days and fewer hours on Friday do not change or lessen the need for access by the residents and visitors in Tahoe to a safe, local court facility.

### **15.0 Outside the Box Thinking**

As already noted, the court – voluntarily and proactively – sought to reduce the cost and size of the project. A major space saver was the consolidation of the self help/jury deliberation/jury assembly/meeting room space from multiple rooms into a single multipurpose room. This, along with small changes in contemplated layout and recognizing some workstations and file areas were duplicative, allowed the court and AOC staff to reduce the size of the courthouse by 16%.



Initial design thoughts also incorporate a shift in the physical layout of the courthouse to minimize the need for elevators, secured pathways, and challenge historic thinking of how and where jury deliberation, courtrooms, and chambers need to be located relative to one another.

During site selection, considerable effort was made to negotiate the purchase of land – in cooperation with the County – that would allow for co-location of the Court and a new Sheriff's substation. Unfortunately, the Court and County were unable to come to agreement on price with the landowner.

As a one-courtroom facility, other options, like a hearing room instead of a full courtroom are not options. However, the court will continue to review the size and scope of the project throughout design to identify further

## **16.0 Expended Resources**

The AOC can provide the amount of money spent to date on the project. The non-quantitative costs include considerable effort and mobilization of the Project Advisory Group – which included diverse set of members from the local community. Presentations have already been made to local community groups to explain the project, highlight the location, and begin the process of community dialogue.

In the past 30 years there have been at least three attempts to replace the Tahoe City Courthouse. All have stalled or failed for one reason or another. Our initial project meetings with the County and community members were met with skepticism and it took time and effort to convince participants that this was not an effort in futility. That this was different than all the times before. And, thus far, the project has proceeded further than any before and there is excitement about the completion of this facility. To stop this project now will make future efforts extremely difficult and “remobilizing” the community a fourth time may prove extraordinarily complex.

## **Appendices**

Appendix 1: Letter of Support from Community

Appendix 2: Pictures